

COMPLAINTS PROCEDURE

The York Chambers' complaints procedure governs the handling of grievances and complaints made by clients, or other persons or organisations affected by anything done by, or on behalf of York Chambers.

A complaint or grievance is any expression of dissatisfaction or criticism of York Chambers, any Member or Associate, which the complainant requires to be dealt with by York Chambers.

1. Members and Clerks will notify the Head of Chambers and the Senior Clerk of every complaint or grievance affecting or likely to affect their practice at York Chambers. The Head of Chambers will have overall responsibility for this complaints procedure.
2. Any complaint or grievance affecting or likely to affect York Chambers will be recorded as a complaint by the Senior Clerk to York Chambers, and given a complaint number.
3. In cases where the nature of the complaint is not evident from any letter of complaint, the Head of Chambers will ask the complainant to put their complaint or grievance into writing onto the Complaints Form. (Annex 'A').

4. The Head of Chambers will appoint one of its Members to take responsibility for each complaint. This must be a Member who is not the subject of or connected with the specific complaint. All correspondence and communications on the complaint will be addressed through that named person.

Should the complaint be specific to the Head of Chambers, then such complaint will be dealt with by the Deputy Head of Chambers.

5. Every complaint will be investigated by the named Member on behalf of York Chambers. The following procedure will apply.

A. Informal resolution

The named Member will seek to resolve issues with the complainant informally, and to resort to formal procedure only if a matter of importance has not been resolved. Informal resolution will be undertaken expeditiously but in any event the named Member will report on progress to the Head of Chambers every 10 working days. The named Member will record details of all actions taken to resolve the complaint and the way it was resolved. Before the formal procedure is engaged, complainants will be expected to engage in the process of informal resolution.

B. Primary resolution

The named Member will investigate the issues and take all appropriate steps to resolve them. This may include asking those affected by the issues to meet and share their concerns. Where appropriate and where the subject of the complaint consents, the Head of Chambers may appoint another Member to mediate the issues. The named Member will record details of all actions taken to resolve the complaint and the way it was resolved.

Where issues remain unresolved, the named Member will determine the matter, informing the complainant in writing of the decision, and any steps to be taken by York Chambers or any Member of Chambers as part of the resolution. Primary resolution will be conducted expeditiously but in any event the named Member will report on progress to the Head of Chambers every 10 working days.

C. Secondary resolution

Where issues are not resolved by primary resolution, or where a complainant is not content with the named Member's decision, the complainant may write to the Head of Chambers to request a review. The request must be made within 10 working days of notification of the decision by the named Member and will:

- succinctly set out details of the issues which remain;
- name any person involved;
- describe all steps taken under primary resolution;
- detail why the issues remain unresolved;
- be marked ‘Request for Secondary Resolution’.

Following a request for secondary resolution, an independent mediator will be appointed by the Head of Chambers to facilitate resolution of the issues. The procedure for the mediation will be governed by the York Chambers’ mediation agreement and procedure and will be undertaken within 28 days of the request for secondary resolution, unless the parties to the dispute agree otherwise.

D. Final resolution

Should mediation fail to resolve all of the issues, the Head of Chambers will appoint an independent arbitrator to adjudicate on the issues (in accordance with the York Chambers’ Disciplinary Procedure).

E. Confidentiality

All conversations and documents shall be confidential and disclosed only to the extent necessary. They will be disclosed only to the client, the person complained about, the Head of Chambers, the Member responsible for the complaint, the

Senior Clerk, and any other individual with whom enquiries need to be made for the purpose of the investigation.

F. Other professional regulation

Complainants should be aware that as from 6th October 2010 there will be two bodies that deal with complaints against barristers. The procedure within York Chambers should be exhausted before alternative remedies are sought.

- **The Legal Ombudsman** – This is a new organisation set up under the Act by the Office for Legal Complaints. It will, by statute, deal with all complaints from clients about the **service** provided by legal professionals, including barristers. You can find out more about the Legal Ombudsman by visiting the website: www.legalombudsman.org.uk

You should note that the Legal Ombudsman requires that complaints about the service provided to clients are first addressed by Chambers' complaints procedures before a client can access the Ombudsman service.

- **The Bar Standards Board** – Will deal with complaints about the **conduct** of barristers which may require disciplinary action. Such complaints fall outside the remit of the Legal Ombudsman. They are not restricted to

“clients” and can include (but are not limited to) complaints from solicitors, judges, any legal authority or any person involved in legal proceedings who might be affected by a barrister’s conduct under the Code. You can find out more about what they do and the way in which the two services will interact at www.barstandardsboard.org.uk/complaintsandhearings